

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

**Dated 2 March 2006**

**Name of Public Authority:** The Northern Ireland Legal Services Commission

**Address of Public Authority:** 2<sup>nd</sup> Floor, Waterfront Plaza  
Mays Meadow  
Belfast  
BT1 3LR

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint stating that, on 27 May 2005, the Complainant requested the following information from the Northern Ireland Legal Services Commission (the "NILSC") under section 1 of the Freedom of Information Act 2000 (the "Act"):

*"How much has been spent on legal aid over the past year?"*

*How many people not in receipt of state benefits received legal aid over the past year?"*

*How much was spent on legal aid in those cases?"*

*Names and addresses of those people not in receipt of state benefits but who received legal aid over the past year".*

It is alleged that the Northern Ireland Legal Services Commission failed to respond to the Complainant's request within the twenty working day time period, and in failing to do so, did not comply with Section 10(1) of the Act.

Section 10(1) states:

*"... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt".*

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a Complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the Complainant and the Public Authority.

The Commissioner's decision is as follows:

The Commissioner is satisfied that the NILSC failed to confirm or deny that the information requested was held by them, and consequently did not comply with Section 1(1). Further, the NILSC failed to provide the Complainant with either the

information requested, or an appropriate Refusal Notice under Section 17 of the Act.

Following intervention by the Commissioner's Office, the NILSC responded to the Complainant's information request on 25 November 2005, some six months after the request was originally made. The NILSC provided some of the information requested by the Complainant, and indicated that they did not hold the remainder of the requested information. The Complainant is now satisfied that she has now received all the information requested which is, in fact, held by the NILSC. However, the Commissioner is satisfied that the NILSC did not deal with the Complainant's request in accordance with the requirements of Part I of the Act in that it failed to comply with section 10(1).

### **Action Required**

In view of the fact that the Complainant received the part of the information requested that was held by the Northern Ireland Legal Services Commission on 25 November 2005, no further steps are required to be taken by the Commission.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	Web: <a href="http://www.informationtribunal.gov.uk">www.informationtribunal.gov.uk</a>
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 2nd day of March 2006

Signed: .....

Graham Smith  
Deputy Commissioner  
Information Commissioner' Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF